

Docket No.: 1614.1376

Serial No. 10/749,550

AMENDMENTS TO THE DRAWINGS:

The attached drawing(s) include change to FIG. 1 to designate same by the legend - - PRIOR ART- -.

Approval of this change and entry of the corrected Drawing is respectfully requested.

REMARKS

In accordance with the foregoing, claims 1 and 6 have been amended to include the recitations of their respective dependent claims 5 and 10, the latter being cancelled, and to clarify distinctions thereof over the prior art and claim 16 has been amended, in similar fashion to claims 1 and 6 and for the same reasons. Further, claims 3, 8 and 18 have been rewritten to independent form to incorporate the limitations of their respective independent claims 1, 6 and 16 and, accordingly, are submitted to be now allowable, along with their respective dependent claims 2, 9 and 19. Further, claims 1 and 6 have been amended to incorporate limitations of their respective dependent claims 5 and 10, which have been cancelled, and, further, to distinguish over the art rejection, as with claim 16. No new matter is presented and, accordingly, approval and entry of the foregoing amendments are respectfully requested.

PAGE 2: REJECTIONS OF CLAIMS 1, 2, 5-7, 10, 16 AND 17 UNDER 35 U.S.C. §102(b) FOR ANTICIPATION BY SAWAZAKI (JP 05073573).

The rejections are respectfully traversed.

As above noted, claims 1, 6 and 16 are amended as discussed hereinabove to further clarify the subject matter of the present invention and thereby distinguish over Sawazaki.

Claim 1 is amended to include the limitations of claim 5, to clarify that the yield percentage managing method measures the target processed product which is processed from the target raw material to obtain measurement information, obtains a processed amount K which indicates a total number or weight of target items of the target processed product based on the measurement information, and corrects or updates the yield percentage of the target processed product with respect to the target raw material based on the processed amount K. Claim 5 is cancelled.

Claim 6 is amended to include the limitations of claim 10 and to clarify that the yield percentage managing apparatus comprises an input part configured to receive measurement information from a measuring apparatus that measures the target processed product which is processed from the target processed product which is processed from the target raw material, and a processed amount K which indicates a total number or weight of target items of the target processed product based on the measurement information, and a control unit to correct or update the yield percentage of the target processed product with respect to the target raw material based on the processed amount K. Claim 10 is cancelled.

Claim 16 is amended similarly to claims 1 and 6, to clarify that the program stored in the computer-readable storage medium comprises an input procedure causing the computer to receive measurement information from a measuring apparatus that measures the target processed product which is processed from the target raw material, and a processed amount K which indicates a total number or weight of target items of the target processed product based on the measurement information, and a procedure causing the computer to correct or update the yield percentage of the target processed product with respect to the target raw material based on the processed amount K.

It is respectfully submitted that the amended independent claims 1, 6 and 16 patentably distinguish over Sawazaki. Sawazaki merely proposes a yield setting apparatus that updates the yield of the product with respect to the raw material. Sawazaki fails to teach obtaining the measurement information of the target processed product which is processed from the target raw material, and the processed amount K which indicates the total number or weight of target items of the target processed product based on the measurement information, and correcting or updating the yield percentage of the target processed product with respect to the target raw material based on the processed amount K, as recited in each of the independent claims 1, 6 and 16.

Accordingly, it is believed that the amended, independent claims 1, 6, and 16 and the respective dependent claims 2, 7 and 17 thereof are allowable over Sawazaki.

PAGE 3: ALLOWABLE SUBJECT MATTER

Claims 3, 4, 8, 9, 18 and 19 are indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3, 8 and 18 are amended in independent form including all of the limitations of the respective base claims 1, 6 and 16. Accordingly, it is believed that claims 3, 8, 18 and their respective dependent claims 4, 9, and 19 are allowable.

CONCLUSION

In accordance with the foregoing, it is submitted that all pending claims distinguish patentably over the art and rejections of record. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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By: _____


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